

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRIAN VINK,

Plaintiff,

v.

JOSEPH NATOLE et al.,
Respondents.

Case No. 21-cv-12804
Honorable Shalina D. Kumar
Magistrate Judge Patricia T. Morris

**ORDER AMENDING CASE CAPTION, DENYING MOTION FOR
APPOINTMENT OF COUNSEL (ECF NO. 9), AND REGARDING
SERVICE**

Brian Vink filed a *pro se* complaint under 42 U.S.C. § 1983. The complaint named four defendants: Joseph Natole, David Lopez, Jennifer LNU, and Jane/John Doe(s). ECF No. 1. It was unclear from the face of the complaint whether Plaintiff intended to also name as defendants several individuals listed in an attachment to the complaint. So, on April 25, 2022, the Court issued an Order Requiring Clarification. ECF No. 7. In response, Plaintiff identifies six defendants: the four defendants already named, as well as Mark Boomershine and Jordan Block. ECF No. 8. The Court will order the case caption amended to add these two defendants.

Also before the Court is Plaintiff's motion for counsel. ECF No. 9. In a civil case, appointment of counsel is "a matter within the discretion of the court. It is a privilege and not a right." *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (quotation omitted). The Court finds that the interests of justice do not require the appointment of counsel at this time. See 18 U.S.C. § 3006A(a)(2)(B).

Finally, because Plaintiff has paid the filing fee for this case rather than seeking to proceed *in forma pauperis*, the Court will not order the United States Marshal to serve the complaint under 28 U.S.C. § 1915. See Fed. R. Civ. P. 4(C)(3); E.D. Mich. L.R. 4.1(b). Instead, to facilitate service, Plaintiff must complete a summons for each defendant and submit the completed summons to the Clerk of this Court. See E.D. Mich. L.R. 4.1(a) ("A party requesting the issuance of any process or who initiates a proceeding in which the issuance of process is required ... must prepare all required forms. Where necessary, the party must present the process to the Clerk for signature and sealing."). Upon receipt of a properly completed summons, the Clerk will "sign, seal, and issue it to the plaintiff for service on the defendant." Fed. R. Civ. P. 4(b). To complete service, Plaintiff must serve the summons and a copy of his complaint on each defendant. *Id.*

Accordingly, **IT IS ORDERED** that:

(1) the Clerk of Court shall amend the case caption to add two defendants: Mark Boomershine and Jordan Block;

(2) Plaintiff's motion for appointment of counsel (ECF No. 9), is **DENIED**;

(3) the Clerk of Court shall mail six blank summonses to Plaintiff with a copy of this Order;

(4) Plaintiff shall complete one summons for each defendant and return the completed summonses to the Clerk of Court at 231 West Lafayette Blvd., Detroit, Michigan 48226;

(4) if the summonses are properly completed, the Clerk of Court shall issue the summonses and return them to Plaintiff;

(5) Plaintiff shall serve a signed and sealed summons and copy of his complaint on each defendant within **90 days** of receiving the signed and sealed summonses from the Clerk of the Court.

s/Shalina D. Kumar
SHALINA D. KUMAR
United States District Judge

Dated: August 4, 2022